IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 869 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 21/12/2004 in WP NO : 20925 OF 1999 on the file of the High Court.)

Between:

1 The Director (Personnel), Singareni Collieries Co. Ltd., Kothagudem, Khammam District.
2 The Managing Director, Singareni Collieries Co. Ltd., Kothagudem, Khammam District.
3 The General Manager (projects), Singareni Collieries Co. Ltd., Yellandu, Khammam District.

..... APPELLANTS/RESPONDENTS.

AND

Sri Mohd. Jahangir, S/o. Mohd. Sarwar, R/o. Yellandu, Khammam District.

.....RESPONDENT/PETITIONER

Counsel for the Appellants: MR.K.SRINIVASA MURTHY

Counsel for the Respondent: MR.SOORAM PRABHAKAR REDDY

The Court made the following :

JUDGMENT: (Per the Hon'ble Smt Justice T. Meena Kumari)

This writ appeal is filed by the appellants aggrieved by the order, dated 21-12-2004 in W.P.No.20925 of 1999 wherein the learned Single Judge allowed the writ petition observing that the respondents-Company should consider the appointment of writ petitioner as he produced the genuine driving licence.

The appellants herein are the respondents in the writ petition. For the sake of convenience, the parties are referred to as they arrayed in the writ petition.

Originally, the writ petition was filed seeking a direction in the nature of writ of mandamus to declare the action of the respondents in not considering the case of the writ petitioner for re-appointment/re-instatement as Dozer/E.P. Operator on production of genuine driving licence and on withdrawal of court cases as directed by the respondents as per letter dated 06-12-1996 as illegal and arbitrary and consequently to direct the respondents to re-appoint/re-instate the writ petitioner as Dozer/E.P.Operator by implementing the letter dated 06.12.1996 issued by the General Manager (Projects) with all consequential benefits.

It is the case of the writ petitioner that on earlier occasion, the driving licence produced by him was found not genuine and therefore, he preferred writ petition NO.18701 of 1995 and the same was dismissed and the matter was carried to WA No.419 of 1996 and the said appeal was withdrawn on the undertaking given by the respondents to consider his case on production of genuine certificate. Though the petitioner produced the genuine licence, the respondents did not consider his case to appoint him as E.P. Operator. In contra, the respondents contended that the case of the writ petitioner cannot be considered as he produced fake licence on the earlier occasion and subsequently, he produced the genuine certificate.

The learned Single Judge having observed that in view of the undertaking given by the respondents that they would consider the case of the writ petitioner on production of genuine certificate, the case of the writ petitioner should be considered, allowed the writ petition.

The learned Counsel for the appellants/respondents contended that the writ petitioner is having fraudulent character and he is not entitled to seek appointment and the learned Single Judge is not justified in allowing the writ petition.

We have perused the material available on record and the order impugned.

There is no dispute as to the undertaking given by the respondents, which led to withdrawal of the writ appeal filed by the petitioner on an earlier occasion. It is an admitted fact that the writ petitioner has produced the genuine driving licence. In these circumstances, nothing prevents the respondents from considering the case of the writ petitioner. In this view of the matter, we feel that the learned single Judge is justified in directing the appellants/respondents to consider the case of the writ petitioner.

At this stage, the learned Standing Counsel for the appellants/respondents submitted that the present case may not be a precedent in future cases.

In the above circumstances, we see no merits in this appeal. However, in view of the submission made by the learned Standing Counsel, we made it clear that this order should not be a precedent in future cases.

Subject to the above observation, this writ appeal is disposed of. No costs.

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T.MEENA KUMARI , J

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P.LAKSHMANA REDDY,J

Dated:14-06-2005

Nn/Sj

Copy to:

1 The Director (Personnel), Singareni Collieries Co. Ltd.,
Kothagudem, Khammam District.
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